

# **REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL**

**FEBRUARY 16, 2010**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**7:00 P.M.**

## **GOOD & WELFARE**

### **Sewer Project**

**Robert Thurber of 20 Brian Avenue is still questioning who paid for asphalt charges from previous sewer projects if the costs were removed from the assessments. He complained that he has been denied placement**

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**on Council agendas and he feels he has not been able to obtain access to public documents.**

### **School Contract Negotiations**

**Ernest Alter of 600 Victory Highway heard there is a recommendation before the House Finance Committee to transfer authority to negotiate school contracts to town councils. He suggested that the North Smithfield Town Council write a letter asking that this transfer be executed as soon as possible.**

### **Financial Reports**

**Mr. Alter would like to see annual reports and financial statements similar to those provided by Burrillville, Lincoln, Blackstone and Whitinsville.**

## **Sewer Project**

**Mr. Lovett took exception to comments that people were being denied access to the town council. He feels that during the time he has served as president he has gone above and beyond in an attempt to satisfy requests for meetings and requests to speak. Questions regarding the sewer project have been answered several times over.**

**Mr. Lovett personally asked Mrs. Hamilton if she and her staff were in the process of answering the last round of questions and was told that she was. He did not place the discussion on the agenda in order to allow Mrs. Hamilton the time to get the questions answered. Mr. Lovett stated that the Council is the legislative branch of town government and the administrator is the executive branch that administers the legislation that is passed by the council.**

**Mr. Zwolenski agreed with Mr. Lovett that the council has been accessible. He was unaware about items not being placed on an agenda but, if need be, he will ask that questions about the sewer project be placed on a future agenda.**

## **Moment of Silence**

**Mr. Lovett asked for a moment of silence in memory of Nicholas Jillson who died tragically in a recent fire. Nicholas was the son of Chief Joel and Linda Jillson.**

## **REGULAR MEETING**

**The meeting began at 7:06 P.M. with the prayer and the pledge to the flag. Council members present were Dr. Benoit, Mr. Biron, Mr. Leclerc, Mr. Zwolenski and Mr. Lovett. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.**

## **EXECUTIVE SESSION**

**MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on an aye vote to move up executive session.**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to enter into executive session at 7:08 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss the North Smithfield Teachers Association and the North Smithfield Association of Support Staff Personnel contract negotiations.**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to come out of executive session at 7:36 P.M. and to seal the minutes. No motions were made and no votes were taken.**

## **APPROVAL OF MINUTES**

**MOTION by Mr. Leclerc and seconded by Mr. Zwolenski and Dr. Benoit to approve the minutes of January 19 & 30 and February 1, 2010.**

**In the January 30th workshop minutes, Mr. Zwolenski asked that Section 17.6 be corrected to read “Mr. Zwolenski asked if an employee would be considered to have an indirect financial interest in a property if he lived worked in a project area.”**

**In the February 1st minutes, Mr. Biron requested that his comments regarding the Police Department IT contract be included. Mr. Biron had asked Sgt. Senecal if he was compensated for the six hours of**  
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**computer work per week he did that he claimed he volunteered for. Mr. Biron said he was paid as a police officer.**

**The MOTION was amended by Mr. Leclerc, the seconds amended, and it was voted unanimously on an aye vote to approve the minutes of January 19 & 30 and February 1, 2010 as amended.**

## **PAYMENT OF BILLS**

**MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted 4 to 0 (Mr. Biron recused) on a roll call vote to approve payment of the following:**  
**General Fund - \$160,221.62; Sewer - \$47,988.55; Water - \$3,771.83;**  
**Wire Transfer School Department - \$1,361,492.00; and Wire Transfer**  
**Fire Department - \$200,146.67 for a total of \$1,773,620.67.**

## **RESOLUTION RE: SILVER STAR BANNER DAY**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted**

unanimously on an aye vote to adopt the following resolution:

**“WHEREAS, The Town of North Smithfield has always honored the sacrifice of the men and women in the Armed Forces; and WHEREAS, The Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded and ill by designing and manufacturing a Silver Star (Service) Banner and Flag; and WHEREAS, To date The Silver Star Families of America has freely given thousands of Silver Star (Service) Banners to the wounded and their families; and WHEREAS, The members of The Silver Star Families of America have worked tirelessly to provide the wounded of this Town and Country with Silver Star (Service) Banners, Flags and care packages; and WHEREAS, The Silver Star Families of America’s sole mission is that every time someone sees a Silver Star (Service) Banner in a window or a Silver Star (Service) Flag flying, that people remember the sacrificed and wounded for this Town, State and Nation; and WHEREAS, The people and Town Council of North Smithfield wish that the sacrifice of so many in our Armed Forces never be forgotten. NOW, THEREFORE, the North Smithfield Town Council does hereby proclaim its appreciation of The Silver Star Families of America and honor their commitment to our wounded Armed Forces members. We hereby declare May 1st “SILVER STAR BANNER DAY” the permanent and official day to honor the wounded and ill Soldiers of the Town of North Smithfield. IN TESTIMONY WHEREOF, we have hereunto set our hands and caused to be affixed the Seal of the Town of North Smithfield in the State of Rhode Island this 16th day of February in the year of 2010.”**

## **APPOINTMENT TO PARKS AND RECREATION COMMISSION**

**Mrs. Hamilton submitted the name of Robert Chiccarelli as an appointment to the Parks and Recreation Commission. This is a two-year term that will expire on December 1, 2010.**

## **LIZ DEVELOPMENT**

**This remains in executive session status.**

## **CHERRY BROOK AND STORMWATER MANAGEMENT**

**Town Planner Robert Ericson provided a memo regarding the proposed donation from the Silva estate of approximately 69 acres. They are willing to donate the land if back taxes are forgiven. The land is the southwest watershed of Cherry Brook and if the Town owns the land, they will be able to install flash boards to create a pond on the land for emergency use during rain storms. At a Planning Board meeting, Conservation Chairman Paul Soares stated the land is mainly wetlands and marshes and unsuitable for building. The Town would be able to protect the wetlands and the wildlife habitat.**

**MOTION by Mr. Biron, seconded by Dr. Benoit, and voted unanimously on an aye vote to place Mr. Ericson's letter on file.**

## **BUSINESS REGISTRATION ORDINANCE**

**Town Clerk Debra Todd explained that her office is finding this**

**ordinance vague and difficult to enforce. Out of 418 businesses, 133 have not picked up a license although they have been notified several times. Some owe taxes and some may not even be in operation any longer. She asked the Council for some direction.**

**Mr. Nadeau commented that it would not be worth the trouble to bring this to district court. Municipal Court may be the proper venue and if**  
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**it is established, then the ordinance could be amended to determine fees and enforcement.**

**MOTION by Dr. Benoit, seconded by Mr. Biron, and voted unanimously on an aye vote to have the Town Solicitor rewrite the ordinance and present it to the Council within a reasonable time frame of March 15, 2010 and that the town clerk is relieved of the obligation to pursue the license fees until such time as the new ordinance is in place.**

#### **GILBANE/RGB TASK ORDER 5 FEASIBILITY SERVICES PROPOSAL**

**At tonight's meeting Mr. Leclerc provided a revised proposal. After review by the Town Solicitor, the Town Administrator will submit the document to bond counsel and report back to Mrs. Johannis and Mr. Leclerc, both Halliwell School Building Task Force members.**

#### **CONSERVATION EASEMENT RE: WAWSKIEWICZ PROPERTY**

**Mr. Biron recused himself from this discussion as he is a member of R/Goal.**

**Mr. Nadeau notified the Council members that he drafted the Conservation Easement Agreement as a replacement for Blackstone's existing but contested agreement. At the time, the Conservation Commission expected that Blackstone would execute the revised agreement; however, they chose to withdraw from the arrangement and the Conservation Commission needed a new easement holder. R/Goal agreed to do that. Since Mr. Nadeau is a founder and board member of R/Goal, he has a conflict of interest recommending this easement be granted by the Town Council to R/Goal even though it was written with another easement holder in mind. Because of this conflict, Assistant Town Solicitor William Savastano was asked to review the agreement.**

**Mr. Savastano advised the Town Council that he did review the Conservation Easement Agreement as the replacement for the Blackstone's existing but contested Agreement. In addition he reviewed the five-page Release of Conservation Easement and RIGL 34-39-5(b) and found it to be acceptable from the town's perspective. Mr. Savastano reviewed the two-page Forest Management Plan, the nine-page Conservation Easement between the Town of North Smithfield and R/Goal Inc. and RIGL 45-36.1 and also found them to be acceptable to the town.**



**MOTION by Dr. Benoit, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to waive Mr. Nadeau's obligation to recuse.**

**Mr. Nadeau explained that when the property was donated to the town, it was with the expectation that a conservation easement would be placed on the property. At the time the deed was received, a conservation easement was executed by a former member of the Conservation Commission without either Conservation Commission approval or Town Council approval. In Mr. Nadeau's opinion, that rendered the easement void. A new amended easement was prepared, primarily by Conservation Commission members with input from Mr. Nadeau. It was presented to the Blackstone River Watershed Council who ultimately withdrew from the arrangement. A new easement holder was needed and Mr. Nadeau suggested R/Goal. The group held a meeting and decided they would be happy to do this.**

**When asked by Mr. Leclerc, Mr. Nadeau explained that R/Goal holds the easement to preserve the property from development and to insure that the town honors the intention of the donor of the property.**

**He added that the town owns the property and if there was no conservation easement, the town could sell the property.**

**Mr. Zwolenski had a concern about the verbiage on Page 5 that stated the town would have the right to sell, give or otherwise convey the**

**Premises or any interest in the Premises even though Mr. Nadeau explained that this could only be done if the buyer adhered to the terms of the Conservation Easement and the Management Plan.**

**MOTION by Dr. Benoit, seconded by Mr. Leclerc, and voted 4 to 0 (Mr. Biron recused himself) on a roll call vote to approve the Release of Conservation Easement between the Town of North Smithfield and the**

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**Blackstone River Watershed Council/Friends of the Blackstone as per the document presented.**

**MOTION by Dr. Benoit, seconded by Mr. Leclerc, and voted 4 to 0 (Mr. Biron recused himself) on a roll call vote to approve the Management Plan as presented.**

**MOTION by Dr. Benoit, seconded by Mr. Leclerc, and voted 4 to 0 (Mr. Biron recused himself) on a roll call vote to approve the new Conservation Easement between the Town of North Smithfield and R/Goal, Inc., a non-profit corporation.**

## **CONSERVATION COMMISSION MINUTES**

**MOTION by Mr. Biron, seconded by Mr. Leclerc, and voted unanimously on an aye vote to accept the minutes of December 8,**

**2009.**

**INDUSTRIAL DEVELOPMENT COMMISSION MINUTES**

**MOTION by Mr. Biron, seconded by Mr. Leclerc, and voted unanimously on an aye vote to accept the minutes of February 8, 2010.**

**SEWER COMMISSION MINUTES**

**MOTION by Mr. Biron, seconded by Mr. Leclerc, and voted unanimously on an aye vote to accept the minutes of December 16, 2009.**

**ZONING BOARD MINUTES**

**MOTION by Mr. Biron, seconded by Mr. Leclerc, and voted unanimously on an aye vote to accept the minutes of December 29, 2009.**

**SOLICITATION LICENSE – NEXT GENERATION (J. SIMONETTI)**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski and Dr. Benoit, and voted unanimously on an aye vote to approve a solicitation license to Joseph Simonetti of Next Generation during the hours of noon to dusk on Monday through Saturday.**

**FISCAL YEARS 2009, 2010, AND 2011 BUDGETS**

**Mrs. Hamilton stated she has received the third quarter payment for the motor vehicle excise tax. The amount was \$8,969.18 less than**

**expected because the new National Automotive Dealers Association blue book was used to determine values. In order to close the year, the town will have to use a portion of the \$2.3 million unrestricted surplus.**

**Mrs. Hamilton has met with the Budget Committee regarding the 2011 budget and she provided them with a draft of revenue projections. If there is no enabling legislation forthcoming to recapture the motor vehicle excise taxes taken away next year, the town will lose \$2 million. Even with increasing the 4.5 percent cap, the town will probably be short \$1 million. Communities are considering requesting their school districts to pick up their portion of that deficit.**

#### **APPOINTMENTS TO HISTORIC DISTRICT COMMISSION**

**There were no appointments.**

#### **APPOINTMENT TO ORDINANCE REVIEW COMMITTEE**

**MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted 4 to 1 (Dr. Benoit voted no) on a roll call vote to appoint Dr. Caroly Shumway to the Ordinance Review Committee. This term will expire March 30, 2010.**

#### **COMMUNICATIONS**

**MOTION by Mr. Biron and seconded by Mr. Zwolenski and Mr. Leclerc to place the following items on file: A.) Animal Control Monthly Report for January 2010; B.) NSF&RS Inc. Monthly Incident Report for**

**January 2010; C.) Resolution Opposing Liquefied Natural Gas Facilities from the Town of Middletown; D.) Resolution Re: Rhode Island National Guard Living Memorial from the Town of North Kingstown; and E.) Resolution Requiring Minimum Beneficiary Contribution to Cost Sharing as it Relates to Public Employee Healthcare Benefits from the City of Woonsocket.**

**Dr. Benoit felt the Council should go on record as being supportive of the resolution requiring a minimum beneficiary contribution to public employee healthcare benefits and notify the town's legislators of this February 16, 2010**

**support. This resolution would require a 25 percent contribution from public employees for health care.**

**Mr. Lovett thought the legislation referred to contributions on a sliding scale based on salary.**

**Mr. Leclerc agreed with Mr. Lovett that a sliding scale would be fairer.**

**Mr. Biron added that there would have to be a sliding scale on buybacks.**

**The motion passed 5 to 0 on an aye vote.**

**EXECUTIVE SESSION**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to enter into executive session at 8:58 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss Narragansett Improvement vs. the Town of North Smithfield and pursuant to RIGL 42-46-5(A)(5) Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of public held property wherein advanced public information would be detrimental to the interest of the public to discuss a potential lease.**

**Dr. Benoit said he would be recusing himself from discussion about the Narragansett Improvement lawsuit.**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to come out of executive session at 11:09 P.M. and to seal the minutes. No motions were made and no votes were taken.**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to adjourn at 11:10 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**